

CIVIL CASE NO. 3:06cv517

Defendants.

The Defendant Gina Monique Scronce was served with the summons and complaint in this action on February 3, 2007. The Defendant Christopher Scronce was served with the summons and complaint in this action on June 22, 2007. Neither Defendant has made an appearance in

the action and on July 19, 2007, the Clerk of Court entered default as to each of them. On July 24, 2007, the Plaintiffs provided notice to the Defendants of the entry of default. To date, no appearance has been made by either of the Defendants.

The Plaintiffs seek statutory damages and injunctive relief for six violations of the Copyright Act. That statute provides that “an infringer of copyright is liable for ... statutory damages[.]” **17 U.S.C. §504(a)(2)**. The “copyright owner may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits, an award of statutory damages for all infringements involved in the action, with respect to any one work ... in a sum of not less than \$750 or more than \$30,000 as the court considers just.” **17 U.S.C. §504(c)(1)**. In this case, the Plaintiffs seek statutory damages in the amount of \$750.00 per work infringed by the Defendants for a total of \$4,500.00 in statutory damages. Because the Plaintiffs seek to recover a sum certain in the form of statutory damages, no hearing is required. **Fed.R.Civ.P. 55(b)(2); Ortiz-Gonzalez v. Fonovisa, 277 F.3d 59, 64 (1st Cir. 2002)**.

They also seek to recover their costs in the amount of \$855.00. However, counsel failed to provide an itemization of costs. **28 U.S.C. §1924**. As a result, the Court will not make such an award.

IT IS, THEREFORE, ORDERED as follows:

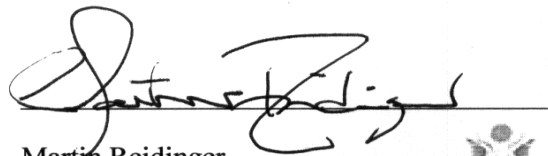
1. That the Plaintiffs have Judgment against the Defendant Gina Monique Scronce in the amount of Four Thousand Five Hundred Dollars and No Cents (\$4,500.00);
2. That the Plaintiffs have Judgment against the Defendant Christopher Scronce in the amount of Four Thousand Five Hundred Dollars and No Cents (\$4,500.00);
3. That each of the Defendants is hereby enjoined from directly or indirectly infringing the Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:
 - a. "Just Like Heaven," on album "Kiss Me, Kiss Me, Kiss Me," by artist "The Cure" (SR# 82-714);
 - b. "Put Your Hands Where My Eyes Could See," on album "When Disaster Strikes," by artist "Busta Rhymes" (SR# 258-724);
 - c. "Oppression," on album "Fight For Your Mind," by artist "Ben Harper" (SR# 210-135);
 - d. "Check Yo Self," on album "The Predator," by artist "Ice Cube" (SR# 169-617);
 - e. "Sorry Seems To Be The Hardest Word," on album "To Be Continued," by artist "Elton John" (SR# 127-149);

f. "Gold Dust Woman," on album "Rumours," by artist "Fleetwood Mac" (SR# N39857);

including without limitation infringement by using the Internet or any online media distribution system to reproduce (*i.e.*, download) the above listed recordings, to distribute (*i.e.*, upload) the above listed recordings, or to make the above listed recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of the Plaintiffs.

3. That the Defendants shall destroy all copies of the above listed recordings that the Defendants have downloaded onto any computer hard drive or server without the Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in the Defendants' possession or control.

Signed: October 15, 2007


Martin Reidinger
United States District Judge

